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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,599	09/28/2004	Mehrzad Asadi	U04-0271.108	5598
24239	7590	09/01/2005	EXAMINER	
MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709.			KHAN, SUHAIL	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/711,599	ASADI, MEHRZAD	
	Examiner	Art Unit	
	Suhail Khan	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/5/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 4-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4-6 are drawn to a “program” *per se* as recited in the preamble and as such is non-statutory subject matter. See MPEP § 2106.IV.B.1.a. Data structures not claimed as embodied in computer readable media are descriptive material *per se* and are not statutory because they are not capable of causing functional change in the computer. See, e.g., *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In contrast, a claimed computer readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory. Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs are not physical “things.” They are neither computer components nor statutory processes, as they are not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer, which permit the computer program's functionality to be realized.

Claim Rejections - 35 USC § 102

3 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 rejected under 35 U.S.C. 103(a) as being unpatentable over “Digital Cellular Telecommunication System (Phase 2+)” by Sophia Antipolis Cedex.

Referring to **claim 1**, Cedex discloses a method of automatically re-establishing a GPRS/EDGE connection between a mobile station and a network following a successfully executed network detach request (page 57, section 4.2.4.2.2, line 3, perform GPRS attach, attach performed on expiration of timers, hence automatically after expiration of timers), the method comprising: in the mobile station (page 114, section 4.7.4.2.2, paragraph 3, MS): determining if a detach type parameter associated with the network detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating “re-attach not required”); if the detach type parameter associated with the detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating “re-attach not required”), and the detach cause parameter associated with the detach request does contain a null value (page 114, section 4.7.4.2.2, paragraph 3, no cause code, cause code is interpreted as being the parameter associated with the detach request), then monitoring a timeout parameter; and automatically initiating a GPRS/EDGE re-attachment with

the network upon expiration of the timeout parameter (page 57, section 4.2.4.2.2, line 3, perform GPRS attach on the expiry of timers, hence automatically).

Referring to **claim 2**, Cedex discloses the method of claim 1 wherein the timeout parameter is a T3212 timeout value according to the GSM specification (page 115, paragraph 12, T3212).

Referring to **claim 3**, Cedex discloses the method of claim 1 wherein the timeout parameter is a T3302 timeout value according to the GSM specification (page 119, line 9, T3302).

Referring to **claim 4**, Cedex discloses a computer program product resident within a mobile station for automatically re-establishing a GPRS/EDGE connection between the mobile station and a network following a successfully executed network detach request (page 57, section 4.2.4.2.2, line 3, perform GPRS attach, attach performed on expiration of timers, hence automatically after expiration of timers), the computer program product comprising: computer program code for determining if a detach type parameter associated with the network detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating "re-attach not required"); if the detach type parameter associated with the detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating "re-attach not required"), and the detach cause parameter associated with the detach request does contain a null value (page 114, section 4.7.4.2.2, paragraph 3, no cause code, cause code is interpreted as being the parameter associated with the detach request), then computer program code for monitoring a timeout parameter; and computer program code for automatically initiating a GPRS/EDGE re-

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attachment with the network upon expiration of the timeout parameter (page 57, section 4.2.4.2.2, line 3, perform GPRS attach on the expiry of timers, hence automatically).

Referring to **claim 5**, Cedex discloses the computer program product of claim 4 wherein the timeout parameter is a T3212 timeout value according to the GSM specification (page 115, paragraph 12, T3212).

Referring to **claim 6**, Cedex discloses the computer program product of claim 4 wherein the timeout parameter is a T3302 timeout value according to the GSM specification (page 119, line 9, T3302).

Referring to **claim 7**, Cedex discloses a system for automatically re-establishing a GPRS/EDGE connection between the mobile station and a network following a successfully executed network detach request (page 57, section 4.2.4.2.2, line 3, perform GPRS attach, attach performed on expiration of timers, hence automatically after expiration of timers), the system comprising: means for determining if a detach type parameter associated with the network detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating "re-attach not required"); if the detach type parameter associated with the detach request is set to re-attach not required (page 114, section 4.7.4.2.2, paragraph 3, DETACH REQUEST message received, indicating "re-attach not required"), and the detach cause parameter associated with the detach request does contain a null value (page 114, section 4.7.4.2.2, paragraph 3, no cause code, cause code is interpreted as being the parameter associated with the detach request), then means for monitoring a timeout parameter; and means for automatically initiating a GPRS/EDGE re-attachment with the network upon

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expiration of the timeout parameter (page 57, section 4.2.4.2.2, line 3, perform GPRS attach on the expiry of timers, hence automatically).

Referring to **claim 8**, Cedex discloses the system of claim 7 wherein the timeout parameter is a T3212 timeout value according to the GSM specification (page 115, paragraph 12, T3212).

Referring to **claim 9**, Cedex discloses the system of claim 7 wherein the timeout parameter is a T3302 timeout value according to the GSM specification (page 119, line 9, T3302).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to GPRS registration

U.S. Pat. No. 6792284 to Dalsgaard et al.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 8 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached at (571) 272-7905.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

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